

PATENT
Appl. No. 09/656,969
Attorney Docket No. 450110-02767

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-19 will be pending. By this amendment, claims 2-10 have been amended.

Specification

In Section 3 of the Office Action, the Examiner has required that the status of all parent priority applications be inserted in the first line of the Specification. As shown, above such a statement has been added at the first line of the Specification.

§112 Rejection of Claims 1-19

In Section 5 of the Office Action, the Examiner has rejected claims 1-19 under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner has objected to language in claims 2-10. As shown above, claims 2-10 have been amended, thereby obviating these rejections of claims 2-10. Accordingly, it is submitted that the Examiner's rejection of claims 2-10 based upon 35 U.S.C. §112, second paragraph, has been obviated and withdrawal thereof is respectfully requested.

Regarding claims 1 and 11-19, it does not appear that the Examiner has explained the rejection under 35 U.S.C. 112 of these claims. Absent any explanation of the rejections, it is respectfully requested that these rejections be withdrawn.

PATENT
Appl. No. 09/656,969
Attorney Docket No. 450110-02767

§102 Rejection of Claims 1, 3, 4, 8-13, and 14-19

In Section 7 of the Office Action, the Examiner has rejected claims 1, 3, 4, 8-13, and 14-19 under 35 U.S.C. §102(e) as being unpatentable over Shear et al. (U.S. Patent Application Publication 2001/0042043; hereinafter referred to as "Shear"). This rejection is respectfully traversed below.

As referenced by the Examiner in rejecting claim 1, it appears that Shear discloses a rights management system that may be used to manage access/usage rights to content, which may be, for example, the content stored on a DVD. Shear discloses how various appliances (or stations), each with a rights management component, can be used together over a communications network for the purposes of rights management.

Shear states in paragraph 351 that a rights management component of the plants may "determine the rights and resources available for performing the actions on the first appliance and the other appliances acting together" and that it may "formulate a request to each relevant appliance that describes, in whole or in part, information related to the action, or portion of the action, potentially suitable for processing, in whole or in part, by such appliance." Additionally, it appears that paragraphs 344 to 350 of Shear describe that the rights management component determines which appliances on the network to make use of according to such criteria as: security level, device type, and device configuration.

Therefore, according to Shear, it appears that if an appliance would like an action to be performed, then its rights management component determines which other appliances on the network are suitable to perform some or all of the action. The appliance then issues commands and information accordingly.

PATENT
Appl. No. 09/656,969
Attorney Docket No. 450110-02767

However, according to claim 1 of the present application, a station that would like another station on the network to perform a task on its behalf uses its "broadcast unit" to transmit "service requests" to the other stations, the service requests "constituting a request to said or each other station to perform a task for said station." Each of the stations on the network decides for itself whether it is capable of performing the task (using the "self assessment module") and then, using the "answer unit" replies to the service request with either an acceptance or refusal message.

It does not appear that the Examiner has established how Shear suggests or discloses the appliances deciding for themselves whether or not they can or will perform a desired task for another appliance. In Shear, it appears that it is the requesting appliance that makes such decisions.

Furthermore, a person skilled in the field of rights management will assume that every appliance that receives a request to perform a rights management tasks would perform that task. This would ensure the tightest security and fullest rights management. There does not appear to be any suggestion in the referenced portions of Shear of appliances not performing a task for another appliance. It appears then that Shear teaches away from claim 1, where a station may or may not take on a requested task in dependence on its current status (in terms of available resources).

Accordingly, it does not appear that the Examiner has established how Shear, as referenced by the Examiner in rejecting claim 1, shows or suggests at least these aspects of amended claim 1, and so it is submitted that the Examiner has not established how Shear shows or suggests amended claim 1 as a whole. Claims 2-13 depend from claim 1, and it is also submitted that the Examiner has not established how Shear shows or suggests claims 2-13,

PATENT

Appl. No. 09/656,969

Attorney Docket No. 450110-02767

through their dependence on claim 1. Similar arguments apply to claim 14, and so to claims 15-19 that depend from claim 14.

Based upon the foregoing, it is submitted that claims 1, 3, 4, 8-13, and 14-19 are not anticipated by nor rendered obvious by the teachings of Shear, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 1-19 based upon 35 U.S.C. §102(e) has been overcome by the present remarks and withdrawal hereof is respectfully requested.

§103 Rejection of Claims 2 and 6

In Section 24 of the Office Action, the Examiner has rejected claims 2 and 6 under 35 U.S.C. §103(a) as being unpatentable over Shear in view of Hunt (U.S. Patent 6,629,123; hereinafter referred to as "Hunt"). This rejection is respectfully traversed below.

Claims 2 and 6 depend from claim 1. As discussed above, it is submitted that the rejection of claim 1 has been overcome. Therefore, it is respectfully submitted that the rejection of claims 2 and 6 has also been overcome through the dependence of claims 2 and 6 on claim 1.

Regarding claim 7, it appears that the Examiner is also rejecting claim 7 under 35 U.S.C. 103 over Shear and Hunt. However, claim 7 depends from claim 1. As discussed above, it is submitted that the rejection of claim 1 has been overcome. Therefore, it is respectfully submitted that the rejection of claim 7 has also been overcome through the dependence of claim 7 on claim 1.

Based upon the foregoing, it is submitted that claims 2, 6, and 7 are not anticipated by nor rendered obvious by the teachings of Shear and Hunt, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 2, 6, and 7 based

PATENT
Appl. No. 09/656,969
Attorney Docket No. 450110-02767

upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claim 5

In Section 29 of the Office Action, the Examiner has rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over Shear in view of Theimer et al. (U.S. Patent 5,812,865; hereinafter referred to as "Theimer"). This rejection is respectfully traversed below.

Claim 5 depends from claim 1. As discussed above, it is submitted that the rejection of claim 1 has been overcome. Therefore, it is respectfully submitted that the rejection of claim 5 has also been overcome through the dependence of claim 5 on claim 1.

Based upon the foregoing, it is submitted that claim 5 is not anticipated by nor rendered obvious by the teachings of Shear and Theimer, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claim 5 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

PATENT
Appl. No. 09/656,969
Attorney Docket No. 450110-02767

CONCLUSION

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-19 is respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By: Hans R. Mahr, Reg. No. 46,138 for _____
William S. Frommer
Reg. No. 25,506
(212) 588-0800